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DEPUTY SECRETARY OF DEFENSE
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WASHINGTON, DC 20301-1010

JUN 27 2005

**MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
ASSISTANT SECRETARIES OF DEFENSE
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
DIRECTOR, OPERATIONAL TEST AND EVALUATION
INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE
ASSISTANTS TO THE SECRETARY OF DEFENSE
DIRECTOR, ADMINISTRATION AND MANAGEMENT
DIRECTOR, PROGRAM ANALYSIS AND EVALUATION
DIRECTOR, NET ASSESSMENT
DIRECTOR, FORCE TRANSFORMATION
DIRECTORS OF THE DEFENSE AGENCIES
DIRECTORS OF THE DOD FIELD ACTIVITIES**

SUBJECT: Trademark Licensing Implementation

**References: a. Section 1051 *et. sec.* of Title 15 United States Code (referred to as the
Trademark Act)
b. Section 2260 of Title 10, United States Code**

Over the years, the Department of Defense (DoD) and its component agencies have registered with the United States Patent and Trademark Office a large number of trademarks, service marks, collective marks, and certification marks (collectively referred to as trademarks) that further the Department's public goodwill and enhanced community relations. Reference (a) imposes a duty on DoD and its component agencies to regulate and control the use of its trademarks by third parties and to establish and enforce quality standards on all products and services provided by the authorized or licensed users of those trademarks.

In an effort to assist and encourage DoD and its component agencies to further enhance the public goodwill through an expanded trademark licensing program, Congress enacted reference (b) which specifically authorizes the retention of royalties and fees received from the licensing of trademarks owned or controlled by DoD. It further directs the Secretary of Defense to prescribe regulations governing the operation of such licensing program(s) and the manner in which royalties and fees can be retained and expended.



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Since the primary function of a trademark licensing program within DoD is to create a public program that enhances the names, reputations, and public goodwill of all DoD component agencies, the Assistant Secretary of Defense for Public Affairs (ASD (PA)) is hereby assigned the responsibilities indicated below.

As the proponent, the ASD (PA) shall:

- a. Develop such directives and instructions as required under reference (b) to establish a licensing program for all trademarks owned by DoD and its component agencies.
- b. Issue guidance for implementing a trademark registration and licensing Program throughout DoD and its component agencies.
- c. Provide training and assistance to all DoD agencies establishing trademark licensing programs authorized by reference (b).
- d. Consistent with the terms of reference (b), establish procedures and accounting guidance, as directed by the USD (Comptroller), regarding the transfer of licensing fees that exceed the costs of the trademark licensing program to morale, welfare, and recreation activities.

Expenses incurred by the trademark licensing program, as defined in paragraph (c)(1) of reference (b), shall be paid for out of the trademark-generated royalties and fees.



Andrew England
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